Introduction

The decennial redistricting process is often a bruising political battle between the two main parties to establish an edge in the political process that they hope will last for a decade. The redistricting battle changed after the Civil Rights era with the recognition that districts must be drawn to accommodate minority groups that have been traditionally excluded from government (Leib, 1998). The legal and political pressure applied by the federal government to empower minority groups treated them as essentialized groups with discrete membership and common goals. Many observers have referred to this as "strategic essentialism" - a conscious attempt to deploy racial categories (or other categories, such as gender or sexual orientation) for political gain (Spivak, 1988; Jackson and Penrose, 1993). This presumption of natural groups of common interest has rarely been valid, however, as close inspection of most ethnic or racial groups shows.

As political constructs, ethnic and racial groups are constantly contested and redefined by those who self-identify with that group. These shifting boundaries also are often heavily influenced by outside forces - as those not of the group but in power wield disproportionate ability to delimit and define groups to suit their needs, especially through seemingly objective processes like

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the census (Comell and Hartmann, 1998). Indeed, the census plays a critical role in redistricting, which is why the redistricting process takes place every 10 years in the wake of the most recent census. The census categories for race and ethnicity are arrived at in a highly political process involving the government and many special interest groups (Robbin, 2000). Therefore, an objective process to empower minority groups through greater representation in Congress is vulnerable to the potentially conflicting interests of those both inside and outside the group. While these interests do not necessarily have to conflict, the fact that they often do can be seen in the various lawsuits that have proliferated during recent redistricting attempts. As a result of these conflicts, legal and political mandates to increase the number of majority-minority districts have become difficult to implement in a manner satisfactory to both of the major parties, and a complex set of guidelines has emerged to mediate the partisan wranglings. The issue of scale is of prime importance here, as determining whether a "community of interest" exists at the racial/ethnic level or at some other level is critical in evaluating redistricting plans. This is evident in South Florida, an area with many ethnic and racial groups vying for electoral power and two political parties that seek to use the imperative of minority-majority districts to advance their own agenda.

Theorizing Communities of Interest

The literature on redistricting in recent years has often centered on the idea of "communities of interest" and how to identify them (Leib, 1998; Lennertz, 2000). A "community of interest" is the commonly used term for the idealized region that the redistricting process is supposed to uncover. This region is united by its common interest, which theoretically differs from that of its neighbors. This theorization of a community of interest encourages the idea that they are compact and contiguous localities.
During the early 1990s, however, the US Department of Justice disclosed that it would be expansive in its definition of communities of interest, and thus allow (in fact, encourage) the creation of congressional districts that followed ethnic or racial boundaries instead of more broadly based electoral regions that tended to be white-dominated. Communities of interest have since become more difficult to define as a result of the 1995 *Miller* decision of the Supreme Court, which stated that although race could be a factor in creating district boundaries, it could not be the primary reason for a particular delineation (Leib, 1998). The importance of traditional redistricting principles, such as compactness, contiguity, and respect for existing (non-racial) communities of interest, were affirmed by the court at the expense of majority-minority districts. A community of interest has here been defined by the court as a territorial unit or region, and not as a racial group; this foregrounding of the traditional regional concept has been criticized by many political geographers as being too limited and unfair to racial groups that have been forced into non-traditional settlement patterns by historical and contemporary forces (Leib and Webster, 1998; Webster 1997; Lennertz, 2000; Moore, 2002).

The 2000 redistricting posed a fundamental challenge to the courts, state legislatures, and the Department of Justice. Pildes and Niemi (1993) argue that the challenge was to reconcile two sometimes contradictory dictates: the use of electoral systems that do not dilute minority votes (required by the 1965 Voting Rights Act) and the utilization of contiguous communities of interest as the basis of electoral divisions (required by the *Gingles* rule - a rule created by the Supreme Court to determine if individual districts dilute minority voting). Courts have since operationalized the idea of communities of interest by equating common interest with compactness (Webster, 2002). Nevertheless, politics are fundamentally bound into this seemingly objective process, as it
privileges some alternatives and neglects others. For example, while Tip O'Neil is famous for his quip that "all politics is local", some academics have argued that for many African-Americans, politics is predominantly racial. Issues in one African-American neighborhood may be similar to those in another African-American neighborhood several hundred (or thousand) miles away. This has been referred to by some (Kelly, 1995) as the "transcendent community". Therefore, Kelly believes that the appropriate precinct for many African-American voters may be one with a majority of African-American voters, even if they are widely dispersed.

While GIS applications have made the process of redistricting easier in many ways (Florida sold 300 copies of a stand-alone redistricting program for $20 so that the public could submit their own maps) it has not de-politicized the process at all (Eagles, et al., 2000). In fact, redistricting is often referred to as the most political process in American government, because the electoral system itself is so vulnerable to partisan change (Gelman and King, 1994). The use of GIS technology to make district maps has made the creation of thousands of alternative maps possible, but only within constraints that political actors arrive at through a contentious process. The incompatibility of "traditional" district formulae (compactness, contiguity, etc.) with the requirements of the Voting Rights Act is only illustrated by GIS applications, not solved (Cirincione, et al., 2000). A resolution can only be found in the abandonment of the traditional view of what makes a good district in favor of a less territorial definition of a community of interest. A community of interest is, after all, one formulation of collective identity – one that is being elevated to political significance within the broader electoral context. The free-floating political nature of redistricting is the subject of Moore's analysis (2002):
This effort [the creation of districts through spatial analysis], in practice, is little more than an attempt at "Othering" certain types of districts drawn to remedy certain types of known unfairness, to undermine the credibility of those districts. Instead of analyzing redistricting plans and their effects within the totality of the specific social and historical context in which they are drawn, we launch witch-hunts for something we call gerrymanders, as if they were Frankensteinian monsters to be chased up medieval towers by torch-bearing mobs of spatial analysts.

This illustrates how semi-territorial identities (i.e., identities that are less rooted in place, such as race-based districts) have been sublimated to traditional territorial identities (which must be compact and contiguous). Any alternative to the compact, contiguous territorial standard is deemed a gerrymander.

**Redistricting in South Florida**

Florida's 2002 legislature, dominated by the Republican Party in both houses, and backed by a Republican governor, controlled reapportionment. With the US House of Representatives teetering on the brink of Democratic control, the Republicans in the Florida legislature made every effort to maximize their seat total in the 2002 Congressional election to assist the national party. Florida was particularly important to the national effort because the 2000 census had found that the state population had grown enough to warrant two new seats in Congress. The creation of new districts provided additional opportunities for the Republican Party to gain seats.

After the creation of the new legislative boundaries several lawsuits were filed. The most important suit concerning the congressional boundaries was filed by the three African-
American members of Congress from Florida, each of whom had been elected in 1992 following the first elections in Florida using majority-minority districts. Among a variety of complaints filed was one by Alcee Hastings, congressman from South Florida,
who claimed that the Republican redistricting plan drowned out his African-American constituency in Broward County by adding thousands of white voters in nearby Pembroke Pines\(^2\) (Clark and Reinhold, 2002). Republicans countered the charges by arguing
that it was still a safe seat for an African-American candidate because it was 50% Black in its census population. This shift in wording from "African-American" to "Black" is significant as it textually embodies the re-construction of "blackness" to suit the electoral needs of elected officials. While there may not have been a conscious effort to reconstruct these racial identities for political gain, it is important to note that the definitions of race are fluid enough to be shifted without intent through the unconscious selection of the definition that suits dominant interests best.

Social Construction of Race

Since the passage of the Voting Rights Act, gerrymandering in American academia and politics has usually referred to districting that is opposed to minority racial groups (it is only in the 1990s that gerrymandering has more often referred to the support of minorities). Historically, however, the term has often referred to redistricting for simple partisan advantage (Webster, 2002, Johnston, 2000). It is through the lens of partisan advancement that the issues of race and ethnicity must be viewed in redistricting issues. The Hastings suit is a good example. Recent advances in the way the US census is conducted have led to a more nuanced approach to race. Attempts to categorize residents according to the first census in 1790 and continue to this day (Duncan and Shelton, 1978). Since 1850 ethnicity has also been a component of census categorization, which serves to reinforce the racial and ethnic boundaries that the census enumerates (Robbin, 1999). Thus, race has become (in part) constructed through the actions of the government. Beginning with the 1990 census there was both a racial variable (white, African-American, Asian, etc.) and an ethnic one (Hispanic, non-Hispanic). While not perfect, this is certainly an improvement on earlier schemes. It is here that disparate definitions of race become significant - each
being the product of partisan difference, as Hastings's complaint illustrates.

The Republicans argued that Alcee Hastings's district was safe because it was still 50% Black. However, they achieved this number by adding together the African-American voting age population with the Hispanic Black voting age population. Democrats disputed this definition of "Blackness" because of voting differences between the two groups. African-Americans are typically Democratic voters in Florida (Herron and Sekhon, forthcoming) while Hispanic Blacks are more ambiguous in their loyalty to the African-American "community of interest" because they might choose to vote for a Hispanic candidate over an African-American one. Imagine a black Cuban-American; his or her "communities of interest" typically vote for rival candidates. It is unwarranted to believe that Black Hispanics will necessarily be the votes that put an African-American candidate over the 50% mark. Indeed, the African-American vote is also not as monolithic as it is often portrayed, especially in South Florida, where the so-called "Black" vote can be broken down into various self-identifying groups such as Black Hispanics and West Indians (West Indians cannot be identified as a distinct group in redistricting census statistics and therefore do not even figure in the redistricting debate). When these blocs are all added together they compose only 50% of the voting age population. An additional complication is the question of who should be counted in an analysis like this? Age structure, citizenship, and voter registration are all factors that figure into what is at root a political question. Also, how cohesive is such a group? If the group only comprises 50% of voting age population, legal voters, or whatever group is selected, it must vote as a totally solid block to elect the candidate of their choice. This issue was raised in the court case with conflicting information given by expert witnesses for both the plaintiff and the defendant:
On cross-examination, an expert hired by Republicans conceded he had exaggerated the likelihood of success for a popular black candidate in Hastings' newly drawn district. Kevin Hill, a political science professor at Florida International University, treated all non-blacks as a group when figuring performance for a popular black candidate to produce a 51.1 percent edge in Hastings' district. American University professor Allan Lichtman, who testified earlier for challengers, treated Hispanics separately from Anglos in his calculations and brought the margin down to 46.5 percent. Anything below 50 percent calls into question the electability of a black candidate in the district. (Wilson, 2002)

In essence, the root question of the suit is this: what is the community of interest? To what scale can race be appropriately projected? The Republican Party argues that the African-American community of interest encompasses Black Hispanics because it uses them to create a majority. The Democratic Party argues that it is inappropriate to do so. These differing racial definitions are fostered by the differing partisan needs of the parties.

**Latino Homogenization?**

The creation of a congressional seat for Florida's burgeoning Latin population by the Republicans is well warranted by census statistics. The population of the state grew by 23.5% between the 1990 and 2000 censuses while the proportion of the state's population that is Latino or Hispanic increased from 12.2% to 16.8%. It seems evident that with the growth of Florida being dis-
proportionately Hispanic that another one of Florida's congressional seats should be allocated to this sizable and growing minority. Currently two of 23 seats are held by Hispanics, following redistricting three of 25 will be Hispanic (or at least chosen by Hispanic voters).

Nevertheless, the census statistics themselves need to be problematized. In this instance the 2000 census has only recently reached the same level of nuance as earlier American censuses. Starting in the 1820s Latin American residents of the United States were classified by their country of origin, i.e. Mexican or Colombian. In 1850 however, the Foreign Miner's Tax initiated the government's practice of treating all Latin Americans as a group (Robbin, 1999). During this time the US census was directly serving the purposes of racial science, and as such it had no need for information differentiating between the races (Nobles, 2002). Thus, the US government did not recognize ethnic differences between members of the Latino population. Until 1951 the most specific the census got in ascertaining ethnicity was whether a Latino was "Mexican", "Central American", or "South American" (Robbin, 2000). Thus, while the recent conversion of the census to separate racial and ethnic categories is a step toward more subtle understandings of variations within the Hispanic population it still groups them into essentially two groups: white and black (Hispanics can pick any race on the form, but only 1.6% of the US Hispanic population picked American Indian, Pacific Islander, or Asian as their race - See US census, 2001). This likely indicates a historical practice in America of treating the white/black barrier as the fundamental racial division. The origin of Hispanic people was asked on the census form but it does not appear in the data used for redistricting by the Florida legislature. Indeed, Florida's Hispanic population is diverse in its geographic origin. The 2000 census found that 31% of Florida's Hispanics were Cuban in origin, 18% were Puerto Rican, 14% were Mexi-
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1990 Hispanic % of Voting Age Population by Census Tract

1990 Hispanic VAP %
- 0 - 20%
- 20% - 40%
- 40% - 60%
- 60% - 80%
- 80% - 100%

can, and the remaining 37% were from the myriad origins not specifically mentioned by the census questionnaire. This distribution is a significant change from the 1990 census, which showed
that the Cuban-American portion of Florida's Hispanic population accounted for 62% of the total, with Puerto Ricans accounting for 11% and the rest coming from other origins (Pantoja, et al., 2000).
2001). Therefore, it is apparent that much of the growth in Florida's Hispanic population, and hence in Florida's overall population, is driven by the growth of the non-Cuban Hispanic population.\(^3\)

Despite this, the Republican legislature of Florida created
a Hispanic seat in western Dade County, ostensibly to recognize the Hispanic community of interest in South Florida that had generated such growth. Democrats, however, argued against the new district because it consisted of mostly Cuban-Americans, who as group are unique in that they vote primarily Republican. Florida already had two Hispanic Representatives from South Florida in Ileana Ros-Lehtinen and Lincoln Diaz-Balart, both of whom are Republican Cuban-Americans. Democrats claimed that the creation of a third seat in western Miami-Dade County was instrumental in a plan to elect State Representative Mario Diaz-Balart (Lincoln's brother) to Congress (Clark and Reinhold, 2002). In addition, Democrats argued that the growth in the Puerto Rican population, which far exceeded that of the Cuban community, is located primarily in Central Florida. Their claim was hampered by the argument, based on traditional redistricting principles, that the Puerto Ricans remain dispersed among several districts with strong white majorities. The issue for the Democrats here is not the usual complaint against gerrymandering (that the districts produced are "bizarre" or contrived). It is a complaint about the scale at which race and ethnicity is being applied to communities of interest. While there is debate about how much representation for minorities is appropriate (i.e., perhaps it would be more appropriate to redistrict so that minorities are necessary parts of any winning coalition in multiple districts rather than a majority in one), it is not unseemly that Hispanics should have three congressmen from Florida, given their proportion of the population (12% of the congressional representation for 16.8% of the population). However, that Cuban-Americans should have three seats would seem to be overrepresentation (12% of the congressional representation for 5.2% of the total population).

Scaling of Race and Ethnicity

Redistricting represents a process in which political geog-
Hispanic Republican % of Registered Voters by Congressional District

- 0.3% - 6.7%
- 6.7% - 13.1%
- 13.1% - 19.5%
- 19.5% - 26%
- 26% - 32.4%

Raphers can explore the scaling of race. Delaney (2002) wrote that "Race and space intersect and condition each other, not only horizontally but 'vertically' as well. Like race itself, scale may be an important device for inscribing or effacing difference: that is the
politics of scale may be an important component of the geopolitics of race and racism more generally (p. 7)." While the scaling of race has been extensively addressed regarding political movements in general (Smith, 1993; Silvern, 1999) and the scaling of politics has seen inquiry as well (Delaney and Leitner, 1996; Miller, 1997), little has been written regarding the scaling of race within the electoral system (a notable exception being Leib and Webster, 1998). The selecting of an appropriate scale at which to define race and ethnicity is critical in achieving electoral justice in the redistricting process. For an example, we need look only as far as South Florida, where the communities of interest have been defined as the essentialized identities of "Black" and "Hispanic" by the legislature. Is it electorally just that the three "Hispanic" gerrymandered seats in South Florida be held by Cuban-Americans who vote differently than two-thirds of their "community of interest"? Is it electorally just that Alcee Hastings should have his primary ethnic group (African-Americans) be only a plurality within his majority "Black" district? In both cases the nominal "community of interest" was proscribed by the Republican legislature (using white-centric racial categories) while more authentic communities of interest were ignored (in the Hastings case) or manipulated (in the Diaz-Balart case) for partisan political gain.

The cases in South Florida show how under-theorized this area is. The Legislature has simultaneously thrown the net of ethnic scale wide by including Hispanic Blacks and West Indians in Alcee Hastings's African-American district to have it equal exactly 50% "Black", as well as narrowed the scale of what "Hispanic" is by creating a district solely for Cuban-Americans and dubbing it a Hispanic seat in an effort to make it seem as if non-Cuban Hispanics have representation. A sense of scale is critical to fairly approaching communities of interest because otherwise scale will be subjected to partisan electoral pressures, as in
The court case sought by the Democratic representatives was thrown out by a panel of three federal judges (James, 2002), showing how ill-equipped the US Department of Justice and the judicial system are in regards to the partisan tension created by different scales for different ethnic groups. Although there has obviously been improvement since census statistics became more responsive to interest groups that represent minorities, current legal standards for those involved with redistricting do not problematize the categories of race and ethnicity but instead still pretend that they are objective categories that are not subject to re-construction by political elites for partisan gain. It is up to electoral geographers to study alternative conceptions of communities of interest and the scales at which they form so that judges, politicians, and bureaucrats in 2010 might be better prepared for the difficulties faced in 2000.

ENDNOTES

1. Figure 1 shows the new congressional districts with the total Black voting age population. Hastings's district is the larger of the two predominantly black districts in southeast Florida.

2. Figure 2 shows the total Black voting age population by census tract for south Florida.

3. Figures 3-5 document the growth of a significant Hispanic population in central Florida, where much of Florida's population growth was centered between 1990-2000.

4. Figure 6 shows the percentage of registered voters per district that are Hispanic Republicans. While not synonymous with Cuban-Americans, the map of Hispanic Republicans illustrates the partisan nature of the Hispanic districts.
REFERENCES


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